

IN THE CIRCUIT/DISTRICT COURT FOR HOWARD COUNTY, MARYLAND
APPLICATION AND AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

I, Corporal Kyle Simms #5775, of the Maryland State Police, the Affiant, being duly sworn, request the issuance of a Search and Seizure Warrant and states as follows:

1. APPLICATION AND VIOLATIONS OF LAW

The Affiant hereby makes application to R. ZWIG a Judge of the Circuit/District Court for Howard County, Maryland for a Search and Seizure Warrant on the grounds that there is probable cause, the basis of which is set forth in the following affidavit which is attached hereto and made a part thereof, to believe that there is property subject to seizure under the laws of this State and more particularly in violation of Criminal Law Article, Section CR 2-201, CR 2-204, and CR 5-602.

2. DESCRIPTION OF THE PLACE, PERSON, OR MOTOR VEHICLE TO BE SEARCHED:

This Application and Affidavit are made to obtain authority to search the cellular telephone devices as described below:

The following devices are currently in the care and custody of the Maryland State Police in Howard County Maryland, pursuant to seizure from the execution of a search warrant at a residence on 6/6/18.

The devices to be searched to obtain data and electronic evidence are:

- 1) Apple iPhone FCC ID: BCG-E3071A
- 2) HTC cell phone FCC ID: NM80PM9110
- 3) Samsung Galaxy Note 5, Serial # A3LSMN920P
- 4) LG LBD500 cell phone, Serial # 388KPTM04921
- 5) Apple iPhone IMEI: 358351069795404
- 6) Apple iPhone IMEI: 990002737371789
- 7) Apple iPhone 5, FCC ID: BCG-E2946A
- 8) Apple iPhone 5, FCC ID: BCG-E2944A
- 9) Apple iPhone, FCC ID: BCG-E2430A
- 10) Apple iPhone IMEI: 354855092123818

3. AFFIANT'S TRAINING AND EXPERIENCE:

In support of this application for a search and seizure warrant, your Affiant Corporal Kyle Simms #5775 being duly sworn attests to the following:

The name of your affiant is **Corporal Kyle A. Simms** of the Maryland State Police, currently assigned as an investigator to the Maryland State Police Homicide Unit.

Your Affiant Simms attended and graduated from The Pennsylvania State University, located in State College Pennsylvania in May 2008 with a Bachelor of Science degree in Crime, Law, and Justice. While a student at The Pennsylvania State University, your Affiant Simms successfully completed multiple courses of study to include: constitutional law, search and seizure, state and local law, criminal law, juvenile law, business law, crime statistics, deviant behavior, psychology, administration of justice, interview and interrogation, and forensic science.

Your Affiant Simms attended and graduated from the Eastern Shore Institute of Criminal Justice, located in Salisbury Maryland in June 2008 and was certified by the Maryland Police Training Commission as a Police Officer with the Ocean City Police Department until February 2010. Your Affiant Simms then attended and graduated from the Maryland State Police Academy located in Sykesville, Maryland in July of 2010 and is certified by the Maryland Police Training Commission as a Police Officer.

Your Affiant Simms has been a duly constituted law enforcement officer in the State of Maryland for over eight years, and has been regularly assigned to the Maryland State Police's Criminal Enforcement Division – Homicide Unit. Your Affiant Simms was previously assigned to the State Police Centreville Barrack road patrol division for approximately one year and three months. Your affiant was then assigned to the Centreville Barrack Criminal Investigation Section for approximately one year and four months before being transferred to the Criminal Enforcement Division – Upper Shore. After an additional four years in the Criminal Enforcement Division – Upper Shore, your affiant was transferred to his current assignment with the Criminal Enforcement Division - Homicide Unit.

Upon graduation from the Maryland State Police Academy, Your Affiant Simms was assigned to uniform patrol at the Centreville Barrack located in Centreville, Queen Anne's County, Maryland for approximately one year and three months. This portion of Your Affiant's duties as a uniformed member of the Maryland State Police, your Affiant Simms conducted numerous investigations involving Controlled Dangerous Substances and made numerous arrests for drug violations and seizures of Controlled Dangerous Substances, including but not limited to: Marijuana, Cocaine, Crack Cocaine, Heroin, and OxyContin. Your Affiant's testimony in these types of investigations has led to convictions in court.

While assigned as a uniformed police officer for the Maryland State Police, your Affiant Simms received mandated in-service training in addition to that taught in the police academy which dealt with the following: The interdiction of Controlled Dangerous Substances on the highways of Maryland, laws regulating Search and Seizure, the identification of Controlled Dangerous Substances, and the use of technology in criminal investigations.

Your Affiant has written, executed, and assisted in several search and seizure warrants which have led to the recovery of evidence and convictions. Your Affiant has conducted investigations including but not limited to; murder, manslaughter, assaults, burglaries, thefts, frauds, identity thefts, rape, kidnapping, robbery, embezzlement, child abuse, controlled

dangerous substances and other criminal offenses that has led to the arrest and convictions of the responsible defendants.

4. PROBABLE CAUSE (FACTUAL BASIS)

Since this affidavit is being submitted for the limited purpose of obtaining authorization to search the specified devices, your affiant has not included each and every fact known to him concerning this ongoing investigation. Your Affiant has set forth the facts that he believes are essential to establish the necessary foundation for the search warrant.

The facts that establish probable cause for the issuance of a Search and Seizure Warrant are as follows:

On Thursday, 04/12/18 at approximately 6:30 PM, Troopers with the New York State Police took a report of a missing person identified as Noah Walter Smothers (W/M DOB: 07/13/1995) of Susquehanna, Pennsylvania. The New York State Police took the missing person's report because it was reported by the victim's parents who reside in Binghamton New York. Preliminary investigation revealed that Noah Smothers was heavily involved in the trafficking of marijuana, cocaine and ecstasy. His parents stated that Smothers would frequently stay in "Air BNB" rooms in whatever town that he was conducting his business in; and further stated that he traveled up and down the east coast of the United States selling drugs at various college campuses. His parents learned that Noah had traveled to the Baltimore Maryland area prior to their last contact with him. They stated that he traveled to Baltimore on 4/5/18 and was last heard from on 4/6/18. They said that since his latest drug transaction he has had no activity on his cellular telephone, his bank accounts, or social media and this was extremely concerning to them as he uses his bank account and cell phone daily. His parents told Troopers that Noah was scheduled to meet with an individual they identified only as "Tae" and his uncle from Baltimore Maryland in regards to a sale of cocaine when he disappeared. Additionally, Smothers was known to use a storage facility in Laurel, Howard County Maryland to store his narcotics prior to sale. After Smothers' disappearance, the storage locker was accessed on 4/7/18, 4/8/18, and 4/12/18. The lock to Smothers' storage unit was cut twice, and the entire contents of the unit was stolen. Video surveillance of the suspects who took the property was viewed, and it was not Smothers who accessed the unit, although Smothers' pin to the facility was used to gain entry. The vehicle seen entering the storage facility was identified as a light

colored newer Nissan Altima, although due to lighting and the fact that the suspects had removed the vehicle's front license plate, the exact identity of this vehicle could not be ascertained at this time.

Due to Noah's last known location to have been in Maryland, the New York State Police contacted the Maryland State Police for assistance. It was learned that the victim drove to Maryland in a rented vehicle, a 2017 Kia Sportage bearing Ohio registration "HCK3975". This vehicle was rented from Enterprise by Smothers' car insurance company who was replacing his vehicle which was being serviced for damage. On 4/26/18, Smothers' rental car was located at the Dickey Hill Apartments, located in Baltimore Maryland. A review of video surveillance from this apartment complex showed Smothers' Kia Sportage rental car pulling into a parking lot at the apartment complex at approximately 4:00 AM on 4/7/18; a few hours after Smothers' last contact and meeting with "Tae" and Tae's uncle. The Kia Sportage is being followed into the parking lot by a light colored Nissan Altima. The driver of the Kia Sportage exits the vehicle and does not appear to be Smothers, who is described as being 6'6" tall weighing over 200lbs, the operator of the vehicle appears to be much smaller than this and appears to have a darker complexion, although the video is not of sufficient quality to get a positive identification of the operator. The driver of Smothers' vehicle begins to wipe the interior of the vehicle down with a white towel, and then gets into the passenger seat of the Nissan Altima that followed the car into the parking lot. The license plate of the Nissan Altima was identified as Massachusetts registration "5XY974" which was rented through Enterprise. Enterprise records show that the vehicle was rented by a Scott Anthony Williams (B/M DOB: 02/25/1976) of Laurel Maryland. A search of Scott Williams' information showed that he lives at 10301 Bristolwood Court, Laurel, Prince George's County Maryland 20708 and owns vehicles which are registered to this address. Also listed as an occupant of this residence was an individual by the name of Taeyan Raymond Williams (B/M DOB: 11/18/1994) whom is believed to be the "Tae" that Smothers was supposed to be meeting. It was later learned that Scott Williams is the father of Taeyan Williams.

Once Smothers' rental car was located in Baltimore, it was towed by Enterprise to their facility at BWI airport. MDTA Police was asked to process the vehicle for evidence related to

the missing person's investigation and noted that the vehicle's interior appeared to have been wiped down with some sort of cleaning solution that left behind a residue. The vehicle was later seized and searched by the Maryland State Police and a significant quantity of suspected blood was found in the rear of the vehicle. The blood appeared on the carpet of the trunk and back of rear seats which were folded down, in an approximately 5 foot long area that was consistent with the size and shape of a human body. The fluid was tested and a presumptive positive test for the presence of blood was indicated. Additional swabs from inside of Smothers' rental vehicle were taken, and will be processed by laboratory technicians for the presence of suspect DNA.

Smothers' family hired a private investigator to aid in the search for their son. The family provided a phone number for "Tae" that they got from an associate of Smothers as the person whom he was supposed to meet in Baltimore. The private investigator called the phone number given by the family, and the person who answered the phone acknowledged that his name was "Tae". "Tae" denied knowing anyone by the name of Noah Smothers, and he was sent a photograph of Smothers by the private investigator. Once the photograph was sent to "Tae", he failed to answer any more of the private investigator's phone calls or text messages or respond to whether he knew the person or not.

As the investigation continued in Smothers' disappearance, the New York State Police received results of Smothers' last known cell phone "ping". This ping showed that Smothers' phone was last active on 4/6/18 at 1:58 PM and showed GPS coordinates of 39.05587, - 76.82356. These GPS coordinates plot into a field owned by the Patuxent Environmental Science Center located in Laurel Maryland. A preliminary search of this property near the location of the GPS coordinates was conducted and no items of evidence were located. A further search of these coordinates showed that they were approximately 1200 feet from Scott and Taeyan's residence of 10301 Bristolwood Court, Laurel, Prince George's County Maryland 20708. Additional records received from Smothers' cell phone carrier place his cell phone even closer to the residence on Bristolwood Court at other times of the day. An associate of Smothers' stated that Smothers may have been staying at Taeyan's residence when he went missing.

Your Affiant knows through his training, knowledge, and experience as a Law Enforcement Officer that cell phone records including cell tower data and GPS coordinates are only estimations of a phone's location, and the data often comes with a tolerance for accuracy. In your Affiant's experience, this ping being approximately 1200 feet from the primary suspect's residence is within the range of deviation commonly seen in such data. Your Affiant believes that this GPS coordinate shows that Smothers himself, or at least his cellular telephone, was at the Williams residence located at 10301 Bristolwood Court, Laurel, Prince George's County Maryland 20708.

On 6/5/18 a search warrant was signed by the Honorable Judge Michael Pearson for the suspect's residence of 10301 Bristolwood Court, Laurel, Prince George's County Maryland 20708. Pursuant to this search warrant, numerous items of value to the investigation were seized. Located inside of the residence was 72.93 pounds of marijuana, 2,018 pills of MDMA (ecstasy), .55 pounds of powder cocaine, 77 grams of an unknown crystal, 25 Xanax, 91 vials of cannabis oil, and 41 bottles of edible THC in the form of gummies. Also located were items associated with the sale and distribution of CDS, including digital scales, vacuum sealing machines, vacuum bags, commercial rolls of plastic wrap, and a written ledger of the various strands of marijuana located in the residence and to whom had possession of each quantity. The quantity and packaging of the various controlled dangerous substances located were immediately recognized by your Affiant through his training, knowledge, and experience as a police officer to be consistent with the distribution of controlled dangerous substances, and far exceeded the quantities commonly seen in personal use.

Of the 72.93 pounds of marijuana located at Williams' residence, investigators discovered that there were two distinct styles of packaging found amongst the total quantity. One of the styles of packaging was consistent with the marijuana that was delivered to Noah Smothers on 4/5/18. The style of bag used to store the marijuana, as well as the label affixed to the bag stating that it was medical marijuana from California and a particular strain of the marijuana all exactly matched bags and labels recovered by The Baltimore County Police in an unrelated investigation that was part of the same delivery as the quantity delivered to Smothers. Additionally, witnesses stated that Smothers also sold Marijuana vape cartridges as well as THC

Edibles; both of which were also found in Williams' residence. Investigators believe that the marijuana, vape cartridges, and THC edibles is the property of the victims that Williams stole from Smothers' storage locker on 4/8/18.

Also located during the search of this premises were numerous cellular telephones. The victim was known to have an Apple iPhone, but without having access to the contents of the devices, it is not possible at this time to determine whether one of these devices is the victim's or not. The phones were located in various locations throughout the house, including in a flower pot, in vehicles located on the property, in bedrooms, and on individuals in the residence.

The following devices were seized at the residence and are currently stored in Maryland State Police custody in Howard County Maryland:

- 1) Apple iPhone FCC ID: BCG-E3071A
- 2) HTC cell phone FCC ID: NM80PM9110
- 3) Samsung Galaxy Note 5, Serial # A3LSMN920P
- 4) LG LBD500 cell phone, Serial # 388KPTM04921
- 5) Apple iPhone IMEI: 358351069795404
- 6) Apple iPhone IMEI: 990002737371789
- 7) Apple iPhone 5, FCC ID: BCG-E2946A
- 8) Apple iPhone 5, FCC ID: BCG-E2944A
- 9) Apple iPhone, FCC ID: BCG-E2430A
- 10) Apple iPhone IMEI: 354855092123818

Due to the circumstances of the investigation, including the victim's involvement in the highly violent world of large scale narcotics trade, lack of recent communication with known associates, and no bank activity, it is believed at this time that Smothers was killed. Smothers' body has not been located at this time, but a significant quantity of suspected blood was located in the trunk of his vehicle, and a substantial effort has been mounted for the suspects to cover up their involvement in the victim's disappearance, including emptying the victim's storage locker, "dumping" his rental car at an apartment complex far from his last known location, destruction of evidence inside of the victim's rental car, and Taeyan's denial of knowing or having contact with Smothers to a private investigator.

Your Affiant also knows through interviews conducted with witnesses, that both Smothers and Taeyan Williams used the encrypted messaging application "Wickr" to communicate instead of typical text messaging and phone calls. Legal process has been served on "Wickr" and due to the company's policies and storage capabilities, there was no useful information provided to law enforcement in reference to these accounts and messages. The only location where content related to these messages could be recovered are on the actual devices used to send and receive these messages. Additionally, your Affiant knows through his training, knowledge, and experience as a police officer that cellular telephones are capable of storing a multitude of information including Cloud data, GPS records, text messages, photographs, videos, application data, advertising data, and other unique data relevant to the investigation.

JUSTIFICATION FOR THE PERSONS TO BE SEARCHED AND ITEMS TO BE SEIZED.

Probable cause for this issuance of this Search and Seizure Warrant are as follows:

Based on my training, knowledge, and experience as a Police Officer, and the facts herein, I believe Taeyan and Scott Williams are involved in the disappearance, murder, and attempts to secrete the crime of murder of Noah Smothers. Additionally, I believe that evidence of the crimes both collected and yet to be discovered may contain forensic evidence that may link Taeyan and Scott Williams to the crime of murder. Additionally, Smothers was scheduled to meet with Taeyan Williams and his "uncle" on the day that he went missing. Smothers' cell phone's last known location was identified to be in the immediate vicinity of Williams' residence. Smothers' rental vehicle was driven to an apartment complex in Baltimore Maryland and thoroughly cleaned by the suspect driving the vehicle before getting into a vehicle rented by Scott Williams. The victim's rental vehicle which was abandoned by the Williams' contained a substantial amount of blood in the trunk, which is believed to have been left by Smothers when his body was transported by the suspects. A vehicle identified as the same color, body style, make, and model as the vehicle rented by Scott Williams and previously involved

in the investigation was seen burglarizing Smothers' storage facility using Smothers' pin, and stealing a large quantity of drugs from the locker. The rental vehicle was then returned to Enterprise and swapped out for a similar Nissan Altima. During a search of Williams' residence, investigators located two distinct styles of packaging of the marijuana found. One of the styles of packaging was confirmed to have the same style of packaging, labels, and strain of marijuana that was shipped to the victim and had been stolen from his storage locker.

5. DESCRIPTION OF THE ITEMS TO BE SEARCHED AND SEIZED

1. Apple iPhone FCC ID: BCG-E3071A
2. HTC cell phone FCC ID: NM80PM9110
3. Samsung Galaxy Note 5, Serial # A3LSMN920P
4. LG LBD500 cell phone, Serial # 388KPTM04921
5. Apple iPhone IMEI: 358351069795404
6. Apple iPhone IMEI: 990002737371789
7. Apple iPhone 5, FCC ID: BCG-E2946A
8. Apple iPhone 5, FCC ID: BCG-E2944A
9. Apple iPhone, FCC ID: BCG-E2430A
10. Apple iPhone IMEI: 354855092123818

For all of the forgoing reasons, I respectfully request that you issue a Search and Seizure Warrant for the above described property, authorizing the search/seizure of the described items.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING DOCUMENT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Cpt. Kyle Simms
Affiant's Signature
Kyle Simms #5715
Affiant's Printed Name and ID#

SUBSCRIBED AND SWORN BEFORE ME IN MY PRESENCE ON THE 26th DAY OF JUNE, 2018.
1730 TIME
HRS

[Signature]
JUDGE
Ricardo E. Wang
JUDGE'S PRINTED NAME

IN THE CIRCUIT/DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND
SEARCH AND SEIZURE WARRANT

TO: CPL Kyle Simms #5775, Maryland State Police

Upon reviewing the Application and the accompanying Affidavit of Cpl. Simms, Maryland State Police, which are incorporated into this warrant, I find there exists probable cause to issue this Search and Seizure Warrant. You are therefore commanded with the necessary and proper assistants to search forthwith the following place, person, and/or motor vehicle and seize the following specified items:

1. You shall conduct a search on the property described below:

- 1) Apple iPhone FCC ID: BCG-E3071A
- 2) HTC cell phone FCC ID: NM80PM9110
- 3) Samsung Galaxy Note 5, Serial # A3LSMN920P
- 4) LG LBD500 cell phone, Serial # 388KPTM04921
- 5) Apple iPhone IMEI: 358351069795404
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- 8) Apple iPhone 5, FCC ID: BCG-E2944A
- 9) Apple iPhone, FCC ID: BCG-E2430A
- 10) Apple iPhone IMEI: 354855092123818

2. You shall seize the following items, evidence, and/or contraband:

- Seize, view, and analyze by persons qualified to do so, in a laboratory setting if needed, all evidence recovered from the aforementioned devices and compare to other evidence located during the investigation
- All messages, chats, videos, photographs, metadata, application data, file folders, location data, database records and files, storage devices located in the device, and any other electronic files located on the device
- Preview, import and examine all cloud storage data files located and stored on remote server storage space belonging to or associated with the seized devices. These files may include, but are not limited to: photographs, videos, emails, calendars, contacts, location history, text messages, chats, my activity, tasks, and any other information pertaining to the suspect or victim. Cloud storage accounts include but are not limited to: Dropbox, Google Drive, Microsoft One Drive, Apple iCloud, WhatsApp, Facebook, Instagram, Kik, Twitter, Gmail, Yahoo, etc. Seize preview, import and examine any and all electronic cloud storage backups and other backups associated with the device.

3. Upon execution of this Warrant, you shall leave an inventory of the items seized, together with a copy of this Warrant, Application, and supporting Affidavit (unless previously sealed by court order) with the person from whom the items are seized, or with the person in charge of the premises, or if neither of those persons is present, then in a conspicuous place on the premises.
4. You shall return this Warrant to me or, if I am not available, to any Judge of this Court within 10 days of the date of its execution, along with verified inventory of the items seized.
5. If this Warrant is not executed within 15 days of its issuance, it expires and shall become null and void. This Warrant may be executed at anytime of the day or night.

6/26/18
DATE 1330 hrs

Rico
JUDGE'S SIGNATURE
RICARDO ZWALIG
JUDGE'S PRINTED NAME

Maryland State Police

SEARCH WARRANT INVENTORY REPORT AND RETURN

The attached list constitutes an official inventory of items seized from 10 cellular telephones;
7 Apple Phones, HTC cell phone, Samsung Galaxy Note 5, LG CBD500 cell phone
(persons, premises, conveyance)
 , as a result of a District/Circuit Court Search Warrant, being executed on 6/29/18
 at 1000 m. (time) (date)

This search warrant inventory was prepared by Cpl. Kyle Simms
(Seizing Officer)
 and in the presence of _____
(Witness)

I hereby acknowledge receipt of a copy of the attached inventory as presented to me by

(Seizing Officer)

(Signature of Recipient)

(Date)

(Time)



NOTE: Check block if location of search warrant was unoccupied and copy left in conspicuous location.

(This section to be completed only on official return)

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Cpl. Kyle Simms
(Signature)

Subscribed and sworn to and returned before me this 23rd day of
October, 20 18 @ 1055 Hrs

BZ
 District/Circuit Court Judge in and for
Howard County, Maryland

Maryland State Police

EVIDENCE INVENTORY FORM

Primary Location: 10 cellular telephones; 7 Apple iPhones, HTC cell phone, Samsung Galaxy Note 5, LG L80500 Page 1 Of 1

List item number, specific location, and description for items seized.

Item No. 1 One digital file from Apple iPhone IMEI: 990002737371789

Item No. 2 One digital file from Apple iPhone 5 FCC ID: BCG-E2946A

Item No. 3 One digital file from Apple iPhone IMEI: 358351069795404

Item No. 4 One digital file from Apple iPhone FCC ID: BCG-E2944A

Item No. 5 One digital file from Apple iPhone FCC ID: BCG-E2430A

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Item No. _____

Cpl. Kyle Smith
(Seizing Officer Signature)